

Grinnan.	Odell.
James.	Potter.
Kerr.	Ross.
Lewis.	Sebastian.
Lloyd.	Stafford.
McGee.	Turney.
Morriss.	Wayland.
Neal.	

## Absent—Excused.

Hanger.	Yantis.
Patterson.	Yett.

By Senator Atlee:

"Section 1. Be it enacted by the Legislature of the State of Texas: That Section 4, of Chapter 5, of the Acts of the Special Session of the Twenty-fifth Legislature, approved June 16, 1897, be amended so as hereafter to read as follows:"

Strike out the enacting clause and insert in lieu thereof the above.

Adopted.

Senator Stafford moved to reconsider the vote by which the amendment of Senator Miller was defeated.

Senator Burns made the point of order that the amendment had already been reconsidered and that the motion was out of order.

Sustained.

Senator Potter moved to reconsider the vote by which his (Potter's) amendment was adopted to the caption.

Reconsidered.

By Senator Potter:

Amend the caption by striking out the words "24," and also striking the "s" from the word section.

Adopted.

(Lieutenant-Governor Browning in the chair.)

Senator Miller moved to recommit the bill to the Finance Committee.

Senator Burns moved to table the motion.

Tabled by the following vote:

## Yeas—19.

Atlee.	Morriss.
Burns.	Neal.
Davidson.	Odell.
Goss.	Potter.
Gough.	Ross.
Greer.	Sebastian.
James.	Stafford.
Kerr.	Turney.
Lloyd.	Wayland.
McGee.	

## Nays—3.

Grinnan.	Miller.
Johnson.	

a—Senate

Absent.

Yantis.

Absent—Excused.

Hanger.

Patterson.

Linn.

Yett.

By Senator Sebastian:

Strike out the words "forty cents" at the end of line 18, subdivision 2, page 1, and insert in lieu thereof the words "fifty cents."

Adopted.

Senator Gough moved to lay the bill on the table subject to call.

Lost.

Bill as amended ordered engrossed.

Senator Johnson moved that the Senate go into Executive Session, as per motion of yesterday.

Carried.

## AFTER EXECUTIVE SESSION.

In Executive Session the following confirmation was made:

T. B. Cochran of Travis county, to be a member of the Board of Managers of the State Lunatic Asylum at Austin.

On motion of Senator Ross, House Concurrent Resolution No. 16, relating to making the Cypress river navigable for the purpose of cheapening freight rates in that section of the State, was recommended to Committee on Federal Relations.

Senator Miller offered the following resolution:

Resolved, That the substitute bill for Senate bill No. 55, submitted today by special committee, be not printed in the Journal.

Adopted.

On motion of Senator Morriss the Senate adjourned until 10 o'clock tomorrow morning.

## SEVENTEENTH DAY.

Senate Chamber,

Austin, Texas, Wednesday, Feb. 1, 1899.

Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Lloyd.
Burns.	McGee.
Davidson.	Miller.
Dibrell.	Morriss.
Goss.	Neal.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
James.	Stafford.
Kerr.	Turney.
Linn.	Wayland.

Johnson. Absent.  
Lewis. Stone.  
Odell. Yett.

Absent—Excused.  
Hanger. Terrell.  
Patterson. Yantis.

Prayer by the Chaplain, Rev. Dr. Denson.

Pending the reading of the Journal of yesterday.

On motion of Senator Kerr, the same was dispensed with.

#### EXCUSED.

On motion of Senator Gough, Senator Yantis was excused indefinitely from last Monday on account of sickness.

#### PETITIONS AND MEMORIALS.

By Senator Sebastian:

Petition from the citizens of Cisco, Eastland county, asking that tax be placed upon ten-pin alleys.

Read, and referred to Judiciary Committee No. 1.

#### COMMITTEE REPORTS.

Committee Room,  
Austin, Texas, Jan. 31, 1899.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 61, being a bill to be entitled "An Act to amend subdivision 23 of Article 1194, Chapter 4, Title XXX, of the Revised Civil Statutes of Texas, adopted at the regular session of the Twenty-fourth Legislature in 1895, relating to the venue of suits against private corporations and railroad corporations, and providing for the venue of suits in which two or more railroad corporations are defendants,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do not* pass for the reason that the subject matter covered by another bill was reported favorably.

ATLEE, Chairman.

#### MAJORITY REPORT.

Committee Room,  
Austin, Texas, Jan. 26, 1899.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 3, being a bill to be entitled "An Act to provide for the sale of real estate under mortgage, deed of

trust, execution or other lien, and to provide for the right of redemption of real estate within two years from date of sale when sold under execution, mortgage, deed of trust, or other lien, etc. and to repeal all laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do not* pass.

ATLEE, Chairman.

#### MINORITY REPORT.

Committee Room,  
Austin, Texas, Jan. 31, 1899.

*Hon. J. N. Browning, President of the Senate.*

SIR: We, the undersigned members of your Judiciary Committee No. 1, not being able to agree with the majority of the committee upon the consideration of

Senate bill No. 3, being a bill to be entitled "An Act to provide for the sale of real estate under mortgage, deed of trust, execution or other lien, and to provide for the right of redemption of real estate within two years from date of sale, when sold under execution, mortgage, deed of trust or other lien, and to repeal all laws in conflict herewith."

Beg leave to recommend the bill *do* pass.

ODELL.

Committee Room,  
Austin, Texas, Jan. 26, 1899.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 11, being a bill to be entitled "An Act to provide for the right of redemption of real estate within one year from date of sale when sold under execution, mortgage or other lien,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do not* pass.

ATLEE, Chairman.

Committee Room,  
Austin, Texas, Jan. 31, 1899.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 71, being a bill to be entitled "An Act to amend Article 1011, of the Revised Civil Statutes of Texas, relating to compensation for clerks of the several courts of civil appeals,"

Have had the same under consideration, and I am instructed to report the

same back to the Senate with the recommendation that the accompanying committee substitute bill in lieu thereof do pass.

ATLEE, Chairman.

Committee Substitute Senate bill No. 71:

A bill to be entitled "An Act to amend Article 1011, of the Revised Civil Statutes of Texas, relating to compensation for the clerks of the several courts of civil appeals; fixing their fees and charges; providing for reports, and fixing penalties for their failure to make same."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1011, of the Revised Civil Statutes of the State of Texas, relating to the compensation of clerks of the courts of civil appeals and fixing such compensation, shall hereafter read as follows:

Art. 1011. The clerks of the courts of civil appeals shall receive as compensation the fees now provided by law, as follows:

Entering appearance of either party, in person or by attorney, to be charged but once.....	\$ 50
Docketing each cause, to be charged but once .....	50
Filing the record in each cause....	50
Entering each rule or motion.....	25
Entering the order of the court upon any rule or motion or interlocutory judgment .....	50
Administering an oath or affirmation without a certificate.....	50
Administering an oath or affirmation and giving a certificate thereof with seal .....	50
Entering each with continuance...	20
Entering each with final judgment or decree .....	1 00
Each writ issued .....	1 00
Making out and transmitting the mandate of and judgment of the court to any inferior court....	1 50
Making copies of any papers or records in their office, including certificate and seal, for each one hundred words .....	10
Recording the opinions of the judges, for each one hundred words .....	15
Taxing the bill of costs in each case	50
Filing each brief, or other paper necessary to be filed.....	10
For certificate and seal where same is necessary .....	50
Recording sheriff's return on execution .....	50
For issuing copies of each notice ordered by the court .....	50

Provided, that the total amount which the clerk of any one of said courts may receive for any one year shall not exceed the sum of two thousand five hundred dollars per annum; such sum to be retained out of fees collected by him for services performed under the foregoing charges and schedule of fees.

Sec. 2. All sums of money in excess of the amount allowed by this act, as compensation for such clerk, shall be deposited by them in the State treasury at Austin, and the same shall become a part of the general fund of the State of Texas. And it shall be the duty of each clerk of such courts to annually report to the presiding judge of his court, under oath, the amount of all fees collected by him under this act and the disposition made thereof, and upon failure to make such report, giving the amount of fees so collected and the disposition thereof, such clerk shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than one hundred dollars nor more than five hundred dollars, and in addition shall be subject to a civil action brought on behalf of the State for the recovery of all sums wrongfully retained by him.

Sec. 3. The records of the courts of civil appeals shall be open to public inspection, and litigants, their attorneys, agents or representatives shall, at all times, within reasonable hours, have access to the records of said courts for the purpose of examining and making, if desired, copies from said records.

Sec. 4. The several courts of civil appeals shall have the right to employ, on the recommendation of the clerk of said court, assistants, whose salaries shall be fixed by the judges thereof, said salaries not to exceed in the aggregate more than one thousand five hundred dollars per annum.

Sec. 5. The fact that there is no definite amount fixed as the limit of fees to be received by the clerks of the several courts of civil appeals, and on account of the crowded condition of the calendar, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule, which requires bills to be read on three several days, and such rule is suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Jan. 31, 1899.

Hon. J. N. Browning, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 96, being a bill to be

entitled "An Act to provide for the venue of suits against private corporations and railroad corporations, and providing for the venue of suits in which two or more railroads are defendants."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

ATLEE, Chairman.

#### MAJORITY REPORT.

Committee Room,  
Austin, Texas, Feb. 1, 1899.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 93, being a bill to be entitled "An Act fixing the venue in suits upon written contracts where the amount in controversy is less than five hundred dollars,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do not pass*.

ATLEE, Chairman.

#### MINORITY REPORT.

Committee Room,  
Austin, Texas, Jan. 31, 1899.

*Hon. J. N. Browning, President of the Senate.*

SIR: We, the undersigned members of your Judiciary Committee No. 1, not being able to agree with the majority upon the consideration of

Senate bill No. 93, being a bill to be entitled "An Act fixing the venue in suits upon written contracts where the amount in controversy is less than five hundred dollars,"

Beg leave to recommend that the bill *do pass*.

ODELL,  
LINN,  
STAFFORD.

Committee Room,  
Austin, Texas, Jan. 31, 1899.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 98, being a bill to be entitled "An Act to provide an appropriation adequate to secure special counsel and to defray expenses in the Federal courts wherein the State of Texas is a party to the suits, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recom-

mendation that the accompanying substitute be adopted in lieu thereof, and that the same *do pass*.

We further recommend that the substitute only be printed.

STAFFORD, Chairman.

Committee substitute for Senate bill No. 98:

A bill to be entitled "An Act to provide an appropriation adequate to secure special counsel and to defray expenses in cases now pending in the Federal courts wherein the State of Texas is a party to the suit, and declaring an emergency."

Whereas, an imperative public necessity has been shown to exist for the employment of special counsel in cases pending in the Federal courts to which the State of Texas and its agents are parties; said necessity having been called to the attention of this body by the Railroad Commission, by the Attorney-General, and by the Governor in his message to the Legislature, and said imperative public necessity as pointed out through the channels indicated is deemed adequate for the employment of special counsel in said cases; therefore,

Be it enacted by the Legislature of the State of Texas:

Section 1. That thirteen thousand five hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of the general revenue for the purpose of employing special counsel and taking testimony and defraying such other expenses as the Attorney-General may deem necessary, in one or all of the cases now pending in the Federal courts to which the State of Texas or its agents may be parties. The said counsel to be employed and said expenditures to be made at the request of the Railroad Commission by the Attorney-General by and with the consent of the Governor.

Sec. 2. Whereas, the cases now pending in the Federal courts to which the State of Texas and its agents are parties, the importance of the cases, and the inability by reason of a press of business in his office, of the Attorney-General to give his time and that of the assistants in his office to look after these cases, giving them precedence over other cases of great importance and the great number of bills now on the calendar of each house, creates an emergency and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended, and that this bill take effect and be in force from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, Feb. 1, 1899.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Federal Relations, to whom was referred

House Concurrent Resolution No. 16, being a resolution memorializing the Texas members in the United States Congress to urge and demand an appropriation by said congress to make Cypress river navigable, for the purpose of cheapening freight rates in that section of the State,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

ROSS, Chairman.

Committee Room,  
Austin, Texas, Jan. 31, 1899.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Finance, to whom was referred

Senate bill No. 97, being a bill to be entitled "An Act to amend Section 24, of the Acts of the Special Session of the Twenty-fifth Legislature, approved June 16, 1897, relating to sheriffs' fees,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

DIBRELL, Chairman.

Committee Room,  
Austin, Texas, Jan. 31, 1899.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Finance, to whom was referred

Senate bill No. 92, being a bill to be entitled "An Act to amend Article 3893, Chapter 6, Title LXXXVI, of the Revised Civil Statutes of the State of Texas, 1895, relating to the investment of the permanent school fund of the State of Texas in county bonds,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

DIBRELL, Chairman.

Committee Room,  
Austin, Texas, Jan. 31, 1899.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 62, being a bill to be entitled "An Act to amend subdivision 4,

of Article 3050, Chapter 2, Title 58, of the Revised Civil Statutes of the State of Texas, requiring the calculations of net value of life and health insurance policies in this State, to be based upon the American Experience Table of Mortality at four per cent. interest per annum,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

McGEE, Chairman.

Committee Room,  
Austin, Texas, Feb. 1, 1899.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 44, being a bill to be entitled "An Act to amend Section 4, of Chapter 5, of the Acts of the Special Session of the Twenty-fifth Legislature of the State of Texas, approved June 16, 1897, relating to the fees of sheriffs and constables, providing the amount of such fees and for payment of sheriffs' and constables' costs,"

And find the same correctly engrossed.

JAMES, Chairman.

Committee Room,  
Austin, Texas, Feb. 1, 1899.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 2, being a bill to be entitled "An Act to provide for the creation of level premium mutual life insurance companies in this State, and for the regulation thereof,"

And find the same correctly engrossed.

JAMES, Chairman.

Committee Room,  
Austin, Texas, Jan. 31, 1899.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 35, being a bill to be entitled "An Act requiring the county commissioners court of any county or the city council of any incorporated town or city in the State to submit propositions for the issuance of bonds to a vote of the qualified tax-payers of such county or incorporated city or town, and to repeal the provisions of all city charters in conflict herewith,"

And find the same correctly engrossed.

JAMES, Chairman.

## BILLS AND RESOLUTIONS.

By Senator Sebastian:

Senate bill No. 101, A bill to be entitled "An Act to restore to and confer upon the County Court of Stonewall county the civil and criminal jurisdiction heretofore belonging to said county under the Constitution and general statutes of the State, and to conform the jurisdiction of the District Court of said county to such change."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Neal:

Senate bill No. 102, A bill to be entitled "An Act to amend Title XLVII, of the Revised Civil Statutes of 1895, relating to the fiscal year, requiring the fiscal year to terminate on the 30th of June, each year, and requiring the appropriations for the support of the State Government shall conform thereto, and to amend and conform other articles of the statute to said date."

Read first time, and referred to Committee on State Affairs.

By Senator Davidson:

Senate bill No. 103, A bill to be entitled "An Act to amend Section 23, of Article 1194, of the Revised Civil Statutes of the State of Texas, regulating the venue of suits against private corporations, associations and joint stock companies, so as to permit suits against carriers to be brought in any county in which the carrier on whose line the freight or baggage originated or was first shipped has an office or agency, and against whom, with others, damages are claimed, or in any county in which is situated the depot, town or point to which the freight or baggage was consigned or shipped, and to permit two or more carriers to be joined in one suit."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Morriss:

Senate bill No. 104, A bill to be entitled "An Act to authorize the Superintendent of Public Buildings and Grounds to construct a postoffice in the capitol for the use of the Legislature, and making an appropriation therefor."

Read first time, and referred to Committee on Public Buildings and Grounds.

By Senator Dibrell:

Senate bill No. 105, A bill to be entitled "An Act to amend Articles 4786 and 4788, of Title XCVII, Chapter 7, of the Revised Civil Statutes of the State of Texas, relating to elections for road taxes."

Read first time, and referred to Committee on Finance.

By Senator Morriss:

Resolved, That the President of the Senate be authorized to appoint a committee of three members of the Senate to visit, carefully inspect, and report to this Senate and its Committees of Finance and of Asylums the actual needs of the present State Asylums for the Insane at San Antonio, Austin and Terrell, and the Orphan's Home at Corsicana, and further that this committee be required to attend a meeting of each of the two committees named, and to ascertain from them what facts will be actually needed by these committees in making appropriations for the improvement and maintenance of these institutions, and further, that this committee be empowered to summon witnesses and employ a stenographer, in order to make a complete report upon the subject matter herein contained.

Adopted.

By Senator Dibrell:

Senate bill No. 106, A bill to be entitled "An Act to validate acknowledgments to all instruments constituting links to the chain of title, or affecting the title to any lands in the State of Texas, to quiet title to the same, and to repeal all laws and parts of laws in conflict with the provisions of this act."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Johnson:

Senate bill No. 107, A bill to be entitled "An Act to amend Sections 1, 2, 3, 4, 5, 6 and 7, Chapter 152, of the General Laws of the Twenty-fifth Legislature, entitled 'An Act to protect accountants, bookkeepers, artisans, craftsmen, factory operatives, servants, mechanics, quarrymen, common laborers and farm hands; to provide a lien and prescribe the time of payments; the rights of the assignees, and to repeal all laws in conflict with the same.'"

Read first time, and referred to Judiciary Committee No. 1.

By Senator Johnson:

Senate bill No. 108, A bill to be entitled "An Act to amend Article (1012), of the Revised Civil Statutes, relating to the salary of court stenographers."

Read first time, and referred to Committee on Finance.

On motion of Senator Miller Senate bill No. 3 (reported by minority) was ordered printed.

On motion of Senator Stafford Senate bill No. 93 (reported by minority) was ordered printed.

## BILLS ON SECOND READING.

The Chair laid before the Senate special order for this hour,

Senate bill No. 16, A bill to be entitled "An Act to amend Articles 3763, 3764, 3765, 3766, 3767, 3768 and 3770, Title LXXXI, of the Revised Civil Statutes of the State of Texas, and to add thereto Articles 3776a and 3776b, providing penalties for the breach of said title regulating the practice of pharmacy within the State of Texas," action being on engrossment.

On motion of Senator Morriss the bill was laid on the table subject to call.

The Chair laid before the Senate,

Senate bill No. 12, A bill to be entitled "An Act in relation to the taking of the depositions of the Commissioner of the General Land Office," action being on engrossment.

On motion of Senator Koss the bill was laid on the table subject to call.

## BILLS ON THIRD READING.

The Chair laid before the Senate special order for this hour,

Senate bill No. 2, A bill to be entitled "An Act to provide for the creation of level premium mutual life insurance companies in this State, and for the regulation thereof," action being on third reading.

Bill read third time, and passed by the following vote:

Yeas—11.

Atlee.	Miller.
Gough.	Morriss.
Greer.	Neal.
Grinnan.	Sebastian.
Lloyd.	Turney.
McGee.	

Nays—10.

Burns.	Linn.
Dibrell.	Potter.
James.	Ross.
Kerr.	Stafford.
Lewis.	Wayland.

Absent.

Davidson.	Odell.
Goss.	Stone.
Johnson.	Yett.

Absent—Excused.

Hanger.	Terrell.
Patterson.	Yantis.

The Chair laid before the Senate, Senate bill No. 23, A bill to be entitled "An Act to promote stock-raising, and to prohibit the hunting with fire-arms and dogs upon enclosed marsh lands of another; and prescribing penalties therefor,

and to define marsh lands," action being on third reading.

Bill read third time and passed.

The Chair laid before the Senate,

Senate bill No. 32, A bill to be entitled "An Act to amend Article 128, Title IX, Chapter 1, of the Revised Civil Statutes of the State of Texas, relating to the apprehension of lunatics," action being on third reading.

Bill read third time and passed.

The Chair laid before the Senate,

Senate bill No. 44, A bill to be entitled "An Act to amend Section 4, of Chapter 5, of the Acts of the Special Session of the Twenty-fifth Legislature, approved June 16, 1897," action being on third reading.

Bill read third time and passed by the following vote:

Yeas—23.

Atlee.	Lloyd.
Burns.	McGee.
Davidson.	Miller.
Dibrell.	Morriss.
Goss.	Neal.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
James.	Stafford.
Kerr.	Turney.
Lewis.	Wayland.
Linn.	

Absent.

Odell.	Terrell.
Stone.	Yett.

Absent—Excused.

Hanger.	Yantis.
Patterson.	

## HOUSE BILLS ON SECOND READING.

The Chair laid before the Senate,

House bill No. 118, A bill to be entitled "An Act to amend Article 2801, of Chapter 1, Title LII, Revised Civil Statutes of 1895, relating to the office of Secretary of State, and requiring the Secretary of State to execute a bond," action being on second reading.

The following committee amendments were adopted:

Strike out all after the word "Senate," in line 25, down to and including the word "appointed," in line 27, page 1, of the bill, and insert in lieu thereof the following, "who shall continue in office until his successor is appointed and qualified."

Amend further by striking out all of Section 1, after the word "Accounts," in line 3, page 2.

Bill as amended passed to a third reading.

On motion of Senator Lewis, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage by the following vote:

Yeas—20.

Atlee.	Lloyd.
Burns.	McGee.
Davidson.	Morriss.
Dibrell.	Neal.
Goss.	Potter.
Gough.	Ross.
Greer.	Turney.
James.	Wayland.
Kerr.	Sebastian.
Lewis.	Stafford.

Nays—1.

Grinnan.

Absent.

Johnson.	Stone.
Linn.	Terrell.
Odell.	Yett.

Absent—Excused.

Hanger.	Yantis.
Patterson.	

By Senator Lewis:

Amend:

Strike out Section 2 and insert in lieu thereof the following:

"Sec. 2. The fact that no adequate bond is required of the Secretary of State and the large number of bills now on the calendars of each house, creates an emergency and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted."

Adopted.

By Senator Greer:

Amend the bill by striking out the first committee amendment and insert in lieu thereof the following words after the word "appointed," in line 27, page 1, of printed bill, "and until his successor is appointed and qualified."

Adopted.

Question being on final passage of the bill the roll call developed no quorum:

Yeas—20.

Atlee.	Lloyd.
Davidson.	McGee.
Dibrell.	Miller.
Goss.	Morriss.
Gough.	Neal.
Greer.	Potter.
Grinnan.	Ross.
James.	Stafford.
Kerr.	Turney.
Lewis.	Wayland.

Absent.

Burns.	Sebastian.
Johnson.	Stone.
Linn.	Terrell.
Odell.	Yett.

Absent—Excused.

Hanger.	Yantis.
Patterson.	

Senator Greer moved a call of the Senate for the purpose of securing a quorum.

Motion duly seconded, the following Senators answering to their names:

Atlee.	Lloyd.
Burns.	McGee.
Davidson.	Miller.
Dibrell.	Morriss.
Goss.	Neal.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Stafford.
James.	Turney.
Kerr.	Wayland.
Lewis.	

Absent.

Johnson.	Stone.
Linn.	Terrell.
Odell.	Yett.
Sebastian.	

Absent—Excused.

Hanger.	Yantis.
Patterson.	

Quorum being present, further consideration of House bill No. 118 was resumed.

Senator Gough moved to reconsider the vote by which the Senate adopted Senator Greer's amendment.

Reconsidered, and Senator Greer withdrew the amendment.

Senator Lewis moved to reconsider the vote by which his (Lewis') amendment was adopted.

Reconsidered, and Senator Lewis withdrew the amendment.

Senator Gough moved to reconsider the vote by which the bill passed to a third reading.

Reconsidered.

Senator Gough moved to reconsider the vote by which the committee amendments were adopted.

Reconsidered.

Senator Gough called for a division of the question and moved to table the first committee amendment.

Tabled.

The second committee amendment was then

Adopted.

By Senator Greer:

Amend the bill, page 1, line 17, by adding after the word "appointed" the fol-



lowing words, "and until his successor is appointed and qualifies."

Adopted.

By Senator Lewis:

Strike out Section 2 and insert in lieu thereof the following:

"Sec. 2. The fact that no adequate bond is required of the Secretary of State, and the large number of bills now on the calendars of each house, creates an emergency, and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted."

Adopted.

Bill as amended passed to a third reading.

On motion of Senator Gough, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third and final passage by the following vote:

Yeas—21.

Atlee.	Lloyd.
Burns.	McGee.
Davidson.	Miller.
Dibrell.	Morriss.
Goss.	Neal.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Stafford.
James.	Turney.
Kerr.	Wayland.
Lewis.	

Absent.

Johnson.	Stone.
Linn.	Terrell.
Odell.	Yett.
Sebastian.	

Absent—Excused.

Hanger.	Yantis.
Patterson.	

The bill was passed by the following vote:

Yeas—22.

Atlee.	Lloyd.
Burns.	McGee.
Davidson.	Miller.
Dibrell.	Morriss.
Goss.	Neal.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
James.	Stafford.
Kerr.	Turney.
Lewis.	Wayland.

Absent.

Johnson.	Stone.
Linn.	Terrell.
Odell.	Yett.

Absent—Excused.

Hanger.	Yantis.
Patterson.	

## REGULAR ORDER.

The Chair laid before the Senate, Senate Joint Resolution No. 2, empowering the Governor of the State of Texas, together with the Commissioner of the General Land Office of said State, to employ four additional clerks, or so many thereof as may be necessary, to tabulate the account in the General Land Office between the State of Texas and the permanent school fund, and providing for the ascertainment of the amount of public domain of the State of Texas at the time of the adoption of the Constitution of 1876, and what has been done with same, and showing the present condition of the account between the State of Texas and the permanent school fund growing out of their joint landed interests, and making an appropriation therefor, action being on engrossment.

Resolution ordered engrossed.

On motion of Senator Potter the constitutional rule requiring bills to be read on three several days was suspended and the resolution put upon its third and final passage by the following vote:

Yeas—23.

Atlee.	Lloyd.
Burns.	McGee.
Davidson.	Miller.
Dibrell.	Morriss.
Goss.	Neal.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
James.	Stafford.
Johnson.	Turney.
Kerr.	Wayland.
Lewis.	

Absent.

Linn.	Terrell.
Odell.	Yett.
Stone.	

Absent—Excused.

Hanger.	Yantis.
Patterson.	

The resolution was passed by the following vote:

Yeas—23.

Atlee.	James.
Burns.	Johnson.
Davidson.	Kerr.
Dibrell.	Lewis.
Goss.	Lloyd.
Gough.	McGee.
Greer.	Miller.
Grinnan.	Morriss.

Neal.	Stafford.
Potter.	Turney.
Ross.	Wayland.
Sebastian.	

Absent.

Linn.	Terrell.
Odell.	Yett.
Stone.	

Absent—Excused.

Hanger.	Yantis.
Patterson.	

Senator Potter moved to reconsider the vote by which the resolution passed, and lay that motion on the table.

Tabled.

#### BILLS ON THIRD READING.

On motion of Senator Lewis the regular order was suspended, and the Chair laid before the Senate,

Senate bill No. 35, A bill to be entitled "An Act requiring the county commissioners court of any county in the State to submit propositions for the issuance of bonds to a vote of the qualified taxpayers of such county," action being on third reading.

Bill read third time and passed.

#### BILLS ON SECOND READING.

On motion of Senator Turney the regular order was suspended and the Chair laid before the Senate,

Senate bill No. 20, A bill to be entitled "An Act to set apart and appropriate to the permanent school fund, of the State of Texas, all of the lands heretofore or hereafter recovered from railway companies or other persons, firms or corporations; and to provide for the disposition of the same," action being on engrossment.

Bill read second time.

By Senator Turney:

Amend by adding to Section 3, the following:

"Provided, that the preference right to lease, given herein, shall not apply to any lands obtained through any suits brought upon any official bonds of State, district or other officers."

Adopted.

(President Pro Tem Stafford in the chair.)

By Senator Atlee:

Add to Section 3, the following:

"Provided further, that this act shall not apply to lands acquired by the State under the law relating to the collection of taxes."

Adopted.

Pending further consideration, on mo-

tion of Senator Turney the bill was laid on the table subject to call.

On motion of Senator Dibrell the regular order was suspended and the Chair laid before the Senate,

Senate bill No. 41, A bill to be entitled "An Act making appropriations for deficiencies in the appropriations heretofore made for payment of expenses in support of the State Government from March 1, 1897, to February 28, 1899, and for previous years, being for claims registered in the Comptroller's office in accordance with law, and for outstanding claims not registered, and for other deficiencies," action being on engrossment.

(Lieutenant-Governor Browning in the chair.)

Committee substitute bill (see Journal of January 30,) adopted.

Bill as substituted read second time.

By Senator Dibrell:

Amend in line 7, page 6, by inserting after the word "bar" the following "or selected by agreement of parties."

Adopted.

By Senator Dibrell:

Amend by striking out "\$10,000," in line 23, page 4, and substituting in lieu thereof "\$23,000."

By Senator Dibrell:

Amend by striking out all between lines 9 and 14, on page 6, inclusive, making appropriation of \$4,300 for pay of stenographers' salaries prior to 1897.

Adopted.

Bill as amended ordered engrossed.

On motion of Senator Dibrell, the constitutional rule requiring bills to be read on three several days was suspended and the bill put upon its third reading and final passage by the following vote:

Yeas—22.

Atlee.	Lloyd.
Burns.	McGee.
Davidson.	Miller.
Dibrell.	Morris.
Goss.	Neal.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
James.	Stafford.
Johnson.	Turney.
Kerr.	Wayland.

Absent.

Lewis.	Stone.
Linn.	Terrell.
Odell.	Yett.

Absent—Excused.

Hanger.	Yantis.
Patterson.	

Bill read third time and passed by the following vote:

## Yeas—22.

Atlee.	Lloyd.
Burns.	McGee.
Davidson.	Miller.
Dibrell.	Morriss.
Goss.	Neal.
Gough.	Potter.
Greer.	Ross.
Grinnan.	Sebastian.
James.	Stafford.
Johnson.	Turney.
Kerr.	Wayland.

## Absent.

Lewis.	Stone.
Linn.	Terrell.
Odell.	Yett.

## Absent—Excused.

Hanger.	Yantis.
Patterson.	

The Chair laid before the Senate,

Senate bill No. 15, A bill to be entitled "An Act to establish a State Board of Embalming, to provide for the better protection of health and life, to prevent the spread of contagious diseases, and to regulate the practice of embalming and the care of and disposition of the dead," action being on engrossment.

On motion of Senator Dibrell, the Senate agreed to consider the bill by sections.

By Senator Burns:

Amend by striking out the enacting clause.

Adopted by the following vote:

## Yeas—13.

Burns.	Kerr.
Davidson.	Lloyd.
Dibrell.	Morriss.
Goss.	Potter.
Greer.	Ross.
Grinnan.	Stafford.
James.	

## Nays—9.

Atlee.	Neal.
Gough.	Sebastian.
Lewis.	Turney.
McGee.	Wayland.
Miller.	

## Absent.

Linn.	Terrell.
Odell.	Yett.
Stone.	

## Absent—Excused.

Hanger.	Yantis.
Patterson.	

The Chair laid before the Senate,

Senate bill No. 28, A bill to be entitled "An Act to provide for the transfer of causes of action instituted in the wrong

county or precinct to the proper county or precinct when a plea to the jurisdiction is sustained, and providing that limitation cease to run from the date of the original filing," action being on engrossment.

Pending further consideration, on motion of Senator Sebastian the bill was laid on the table subject to call.

On motion of Senator Miller the rules were suspended in order to make Senate bill No. 55, special order for tomorrow after the morning call.

So ordered.

On motion of Senator Potter the regular order was suspended and the Chair laid before the Senate,

Senate bill No. 67, A bill to be entitled "An Act to amend Article 5058, of the Revised Civil Statutes of 1895 of the State of Texas, as passed in 1891, relating to the duties of revenue agents," action being on engrossment.

Bill read second time and ordered engrossed.

On motion of Senator Lloyd the regular order was suspended in order to make Senate bill No. 43, special order for tomorrow after the consideration of other special orders.

So ordered.

The Chair laid before the Senate,

Senate bill No. 30, A bill to be entitled "An Act to define libel and privileged communications and publications, and to more effectually secure the liberty of the press, and to prevent abuses in exercising such liberty of the press," action being on engrossment.

Pending consideration, on motion of Senator Dibrell the bill was made special order for next Friday after morning call.

The Chair laid before the Senate,

Senate bill No. 38, A bill to be entitled "An Act to punish all officers of this State who are charged by law with the enforcement of the criminal laws of Texas, who agree to accept or receive any plea of guilty from any person charged with crime or any person who is, or may be engaged in any occupation, calling, profession or business in violation of the criminal laws of Texas, or who agree to receive or accept any money from any person charged with crime, or who is or may be engaged in any occupation, profession or business in violation of the criminal laws of Texas, in consideration that such person so charged with crime or engaged in any profession, calling, occupation or business, shall be permitted to commit other offenses against the laws of this State or shall be permitted for any period of time to engage in any occupation, calling, profession or business in

violation of the criminal laws of Texas," action being on engrossment.

Bill read second time.

By Senator Potter:

Amend by striking out the word "impliedly," in line 27 of printed bill.

Adopted.

By Senator Greer:

Amend line 31, page 1, by striking out the words "either expressed or implied."

Adopted.

By Senator Sebastian:

Amendment—add after Section 1 the following:

"Provided further, that any county or district attorney who shall dismiss any case in consideration of a plea of guilty by a defendant in any other case then pending he shall be guilty of a misdemeanor, and upon conviction thereof may be fined in any sum not less than \$10 nor more than \$100."

Lost.

By Senator Burns:

Amend Section 1 so that it shall read as follows, to-wit:

"Section 1. That any district or county attorney or assistant district or county attorney, district or county judge, justice of the peace, mayor or recorder, sheriff, deputy sheriff, constable, city marshal, or policeman or other officers charged by law with the enforcement of the criminal laws of Texas, who shall receive any money from any person charged with any criminal offense against the laws of this State, or who shall receive any money from any person who is or may be engaged in any occupation, calling, profession or business in violation of the criminal laws of Texas, in consideration that such person so charged with such criminal offense, or who is or may be engaged in any occupation, calling, profession or business, in violation of the criminal laws of Texas, shall be permitted to commit other offenses against the criminal laws of Texas, or shall be permitted for any period of time to engage in any occupation, calling, profession or business in violation of the criminal laws of Texas, shall be deemed guilty of a felony, and on conviction thereof shall be punished by confinement in the penitentiary for any period of time not less than two nor more than five years."

Lost by the following vote:

Yeas—8.

Atlee.	Lewis.
Burns.	Miller.
Davidson.	Neal.
Goss.	Ross.

Nays—15.

Dibrell.	McGee.
Gough.	Morriss.
Greer.	Potter.
Grinnan.	Sebastian.
James.	Stafford.
Johnson.	Turney.
Kerr.	Wayland.
Lloyd.	

Absent.

Linn.	Terrell.
Odell.	Yett.
Stone.	

\*Absent—Excused.

Hanger.	Yantis.
Patterson.	

Bill ordered engrossed by the following vote:

Yeas—16.

Davidson.	Lloyd.
Dibrell.	McGee.
Gough.	Morriss.
Greer.	Potter.
Grinnan.	Sebastian.
James.	Stafford.
Johnson.	Turney.
Kerr.	Wayland.

Nays—5.

Atlee.	Neal.
Burns.	Ross.
Goss.	

Absent.

Lewis.	Stone.
Linn.	Terrell.
Miller.	Yett.
Odell.	

Absent—Excused.

Hanger.	Yantis.
Patterson.	

On motion of Senator Gough the Senate voted to go into executive session tomorrow morning at 11 o'clock for the purpose of considering appointments submitted by the Governor.

#### HOUSE MESSAGE.

Hall of the House of Representatives.  
Austin, Texas, Feb. 1, 1899.

*Hon. J. N. Browning, President of the Senate.*

I am directed by the House to inform the Senate of the passage of the following House Concurrent Resolution No. 7, a resolution authorizing the appointment of a joint committee by the two houses of the Legislature to investigate the damages done by insects to court reports deposited in the basement under the Secretary of State's office.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

## IN THE SENATE.

The Chair referred the above House Concurrent Resolution No. 7 to Committee on State Affairs.

On motion of Senator McGee the Senate adjourned until 10 o'clock tomorrow morning.

## EIGHTEENTH DAY.

Senate Chamber,

Austin, Texas, Thursday, Feb. 2, 1899.

Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Linn.
Burns.	Lloyd.
Davidson.	McGee.
Dibrell.	Miller.
Goss.	Morriss.
Gough.	Neal.
Greer.	Odell.
Grinnan.	Potter.
James.	Ross.
Johnson.	Sebastian.
Kerr.	Turney.
Lewis.	Wayland.

Absent.

Stafford.	Terrell.
Stone.	Yett.

Absent—Excused.

Hanger.	Yantis.
Patterson.	

Prayer by the Chaplain, Rev. Dr. Denison.

Pending the reading of the Journal of yesterday,

Senator McGee moved that the same be dispensed with.

Lost.

Pending further reading, Senator Dibrell moved to reconsider the vote by which the Senate refused to dispense with the reading of the Journal.

Carried.

The motion (McGee's) to dispense with further reading of the Journal then prevailed.

## PETITIONS AND MEMORIALS.

By Senator Atlee:

Memorial from residents of Nueces county praying for adequate means of relief and protection to persons and property against wolves by making it compulsory on commissioners courts to pay for each coyote or lobo wolf killed in said county.

Read and referred to Committee on Stock and Stock-raising.

## COMMITTEE REPORTS.

Committee Room,

Austin, Texas, Feb. 2, 1899.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Committee on State Affairs, to whom was referred

Senate bill No. 94, being a bill to be entitled "An Act to extend the time within which lands heretofore sold to the State, or which may hereafter be sold to the State for taxes, under decree of court, under the provisions of Chapter 42, Laws of 1895, and Chapter 103, Laws of 1897, may be redeemed, providing the manner of such redemption and repealing all laws and parts of laws in conflict therewith,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

GOUGH, Chairman.

Committee Room,

Austin, Texas, Feb. 1, 1899.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred

Substitute House bill No. 54, being a bill to be entitled "An Act to repeal Article 492, of Chapter 2, of Title XIII, of the Penal Code, and to amend Article 491, of Chapter 2, of Title XIII, of the Penal Code of the State of Texas, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

DAVIDSON, Acting Chairman.

Committee Room,

Austin, Texas, Feb. 1, 1899.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 88, being a bill to be entitled "An Act to amend Article 882 of Chapter 2, Title XVII, of the Penal Code, relating to theft of animals, and to repeal Article 883 thereof,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do not pass*.

DAVIDSON, Acting Chairman.

Committee Room,

Austin, Texas, Feb. 1, 1899.

*Hon. J. N. Browning, President of the Senate.*

SIR: Your Judiciary Committee No. 2, to whom was referred